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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,887	11/16/2000	Paul L. Sinclair	8779	9423

26890 7590 03/08/2007  
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EXAMINER
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ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/713,887

Applicant(s)

SINCLAIR ET AL

Examiner

Mohammad Ali

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9-15,17-21,23-27 and 30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-7,9-15,17-21,23-27 and 30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1,3-7,9-15,17-21,23-27 and 30 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,3-7,9-15,17-21,23-27 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Lomet et al. ('Lomet' hereinafter), US Patent 5,487,607.

With respect to claim 1,

Lomet teaches a method for use in managing data in a database system (see col. 11, lines 41-51), comprising:

receiving a request to perform an operation on a set of target data residing in the database (see col. 17, lines 25-36, Lomet );

executing the operation in the database on the set of target data (see col. 17, lines 45-52, Lomet);

during the execution of the operation, placing an initial lock (see col. 14, lines 56-67, Lomet ) on the target data to prevent concurrent execution of at least one operation on the target data (see col. 16, lines 47-62, Lomet); and

during the executing of the operation, placing a final lock on the target data (see col. 12, lines 12-26, Lomet ) at a level that prevents concurrent execution of a larger set of operations (see col. 16, lines 47-62, Figs. 7, 11, Lomet ).

As to claim 3,

Lomet teaches where the initial lock allows concurrent execution of operations that involve reading the target data (see col. 16, lines 60-67, Fig. 11, Lomet).

As to claim 4,

Lomet teaches where the final lock prevents concurrent execution of all operations on the target data (see col. 15, lines 59-63, Lomet ).

As to claim 5,

Lomet teaches allowing a user to specify the type of lock initially placed on the data (see col. 16, lines 47-62, Figs. 7, 11, 12, Lomet).

As to claim 6,

Lomet teaches where the operation is one of the following types: a COLLECT STATISTICS operation, a CREATE INDEX operation, and an ALTER TABLE operation (see col. 13, lines 15-19, Fig. 12 Lomet) .

Claim 7 have the same subject matter except "at least one storage device; at least one computing node configured to deliver data to and retrieve data from the storage device" and Lomet teaches at col. 11, lines 41-47, Fig. 12 et seq.

Claims 9-11 and 14 have the same subject matter as of claims 1, and 3-7 and essentially rejected for the same reasons as discussed above.

As to claim 12,

Lomet teaches 'multiple computing nodes and multiple storage devices, where each storage node is configured to manage storage of data on at least a subset of the storage devices' (see col. 11, lines 42-52, Fig. 12 et seq., Lomet).

As to claim 13,

Lomet teaches 'the database-management system is configured to place the lock on a block of data that is spread across more than one of the storage devices' (col. 11, lines 41-47, Fig. 12 et seq, Lomet).

Claims 15, 17-23, 27 and 30 have the same subject matter as of claims above and essentially and essentially rejected for the same reasons as discussed above.

As to claim 24,

Lomet teaches 'placing an initial lock on the target data includes placing one of the following types of locks on the target data an ACCESS lock; a READ lock; and a WRITE lock' (see col. 17, lines 37-45, Fig. 12 et seq., Lomet).

As to claim 25,

Lomet teaches 'placing a final lock on the target data includes placing an EXCLUSIVE lock on the target data' (see col. 16, lines 47-55, Fig. 11 et seq., Lomet).

As to claim 26,

Lomet teaches 'placing an initial lock on the target data includes locking an entire table' (see col. 14, lines 56-67, Lomet).

Hence applicant's arguments do not distinguish over the prior art of record.

In light of the forgoing arguments, the 102 rejections are hereby sustained.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Contact Information**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Mohammad Ali  
Primary Examiner  
Art Unit 2166

MA  
March 5, 2007